

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**ASHEVILLE DIVISION**

<b>CARYN DEVINS STRICKLAND,</b>	)	
	)	
<i>Plaintiff,</i>	)	
	)	
<b>v.</b>	)	<b>Civil No. 1:20-cv-00066-WGY</b>
	)	
<b>UNITED STATES, <i>et al.</i>,</b>	)	
	)	
<i>Defendants.</i>	)	

**PLANTIFF’S NOTICE OF REQUEST FOR SEQUESTRATION OF WITNESSES  
PURSUANT TO FED. R. EVID. 615**

Pursuant to Fed. R. Evid. 615, Plaintiff hereby provides notice of her request that this Court enter an order requiring the exclusion or sequestration of witnesses to preserve the fairness of this trial. Rule 615 states as follows:

(a) Excluding Witnesses. At a party’s request, the court must order witnesses excluded from the courtroom so that they cannot hear other witnesses’ testimony. Or the court may do so on its own. But this rule does not authorize excluding:

- (1) a party who is a natural person;
- (2) one officer or employee of a party that is not a natural person if that officer or employee has been designated as the party’s representative by its attorney;
- (3) any person whose presence a party shows to be essential to presenting the party’s claim or defense; or
- (4) a person authorized by statute to be present.

(b) Additional Orders to Prevent Disclosing and Accessing Testimony. An order under (a) operates only to exclude witnesses from the courtroom. But the court may also, by order:

- (1) prohibit disclosure of trial testimony to witnesses who are excluded from the courtroom; and

(2) prohibit excluded witnesses from accessing trial testimony.

Fed. R. Evid. 615. Plaintiff respectfully requests an order sequestering or excluding witnesses under both sections (a) and (b) of this rule.

First, Plaintiff requests that all witnesses be excluded from the courtroom during the trial except for (1) any party who is a natural person, or (2) an officer or employee designated as party's representative pursuant to Fed. R. Evid. 615(a)(2). Based on the representations of Defendants' counsel during the further pretrial conference on November 16, 2023, Plaintiff's understanding is that Defendants intend to designate a single party representative pursuant to Rule 615(a)(2). Plaintiff respectfully requests disclosure of the identity of Defendants' party representative prior to trial.

Second, Plaintiff requests that pursuant to Rule 615(b), the Court issue an additional order prohibiting disclosure of trial testimony to witnesses who are excluded from the courtroom and prohibiting excluded witnesses from accessing trial testimony. In particular, based on Defendants' counsel's email communications with Chambers, Plaintiff's understanding is that Defendants intend to "retain a private court reporter to attend the trial and make transcripts of the proceedings" on a daily basis because the Court's court reporter will not be able to provide daily transcripts. As part of its order sequestering or excluding witnesses, this Court should prohibit Defendants, their representatives, or their counsel from disclosing any transcripts, or summaries of any transcripts, of the proceedings to witnesses who are excluded from the courtroom, and the excluded witnesses should be prohibited from accessing any transcripts, or summaries of any transcripts, through Defendants, their representatives, or their counsel, or by any other means.

This the 11th day of December, 2023.

Respectfully Submitted,

/s/ Cooper Strickland

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*Counsel for Plaintiff*

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 11th day of December, 2023, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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